

SENATE BILL 607
By Henry

AN ACT to enact the "Business Premises Safety Act"; relative to the safety of property and duty of owners, operators or managers of property; and to amend Tennessee Code Annotated, Title 28 and Title 66.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act may be referred to and cited as the "Business Premises Safety Act of 1997".

SECTION 2. As used in this act unless the context otherwise requires:

(1) "Business" means any commercial enterprise, including, but not limited to, sales, services, manufacturing, hotel/motel, property management or leasing company, whether for-profit or not-for-profit, which owns, operates, or leases property, to which individuals are invited or visit.

(2) "Criminal act" means any activity, action or inaction that would result in liability under the Criminal Code of the State of Tennessee or of the United States.

SECTION 3. There is no duty upon the owner or operator of a business, individually or collectively or upon merchants and shopkeepers generally, whose mode of operation of their premises does not attract or provide a climate for crime, to guard against the criminal act of a third party, unless they know or have reason to know that acts are occurring or about to occur on the premises that pose imminent probability of harm to an invitee; whereupon a duty of reasonable care to protect against such act arises.

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SECTION 4. Notwithstanding the provisions of Section 3, the owner or operator of a business property which maintains its property in a safe condition by providing adequate lighting, unobstructed entrance and exit, removes open and obvious physical hazards, after adequate notice and within a reasonable time, shall be presumed to have taken all acts necessary and appropriate to protect the safety and welfare of invitees. At no time shall an owner or operator of a business be required to supply armed or unarmed security personnel, security patrols or maintain a fenced security perimeter with gate guards.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

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